



FIVE FAST FACTS

Rehiring retirees

Ohio law permits a board of education to rehire employees who retired from the district. If the board chooses to employ such persons, it must comply with specific notice and public hearing requirements before re-employment may begin.



1. The notice and hearing requirements are required only for certain rehired retirees.

The law applies only to employees who retired from and seek to be rehired to the same position by the same school district. This includes both State Teachers Retirement System (STRS) and State Employees Retirement System retirees. However, an individual who retires from one position and seeks re-employment in another position in the same district would not be subject to the notice and meeting requirements. For example, an individual who retires as a principal who seeks re-employment in the same district as a teacher probably would not be subject to the notice and meeting requirements.

2. A board of education must provide public notice prior to re-employing a retiree.

If a board determines that it is going to rehire a retired individual to the same position, it must provide public notice 60 days before the date the board will act to rehire the individual. The notice should indicate that the individual is or will be retired and is seeking re-employment with the district. The notice requirement may be satisfied by publication in a newspaper of general circulation or by a reasonable method whereby any person may determine the time, place and purpose of special meetings. Additionally, the notice must include the time, date and location of the public meeting.

3. There are specific time frames that a board must follow when holding a public meeting on the matter.

The board is required to hold a public meeting on the issue of rehiring a retired individual between 15 and 30 days before the date the board will act to rehire the individual. The board may hold the meeting at a regularly scheduled or special meeting of the board. The board is not required to allow public participation at the meeting, but it is encouraged if public participation is an established board practice.

FAST FIVE FACTS — REHIRING RETIREES

RESOURCES

Fact sheet: *The procedural requirements for rehiring retirees*

<http://links.ohioschoolboards.org/77130>

RC 3307.353

<http://codes.ohio.gov/orc/3307.353>

RC 3309.345

<http://codes.ohio.gov/orc/3309.345>

OAC 3307:1-11-02

<http://codes.ohio.gov/oac/3307:1-11-02>

OAC 3307:1-13-03

<http://codes.ohio.gov/oac/3307:1-13-03>

OAC 3309-1-61

<http://codes.ohio.gov/oac/3309-1-61>

4. Retired individuals that are rehired by a district may be ineligible for primary health coverage by STRS.

A rehired retiree is ineligible for primary health coverage by STRS if the retiree is employed and able to access a medical plan that provides prescription coverage through the district *or* if district employees in comparable positions have access to a medical plan available through the employer, provided that the plan is equivalent to the one available to a full-time employee at the same costs.

5. A board of education does not have to comply with the notice or hearing requirements each time they renew the contract of a rehired retiree.

The board is authorized to renew the contract of a rehired retiree and is not required to comply with the notice and public hearing requirements when renewing the contract of a rehired-retired employee from year to year, as long as the board certifies that it complied with the statutory requirements when the individual was initially re-employed by the district.

If you have additional questions, contact OSBA's legal division at (614) 540-4000.



Ohio School Boards Association

8050 N. High St., Ste. 100

Columbus, Ohio 43235

(614) 540-4000

www.ohioschoolboards.org

facebook.com/OHschoolboards

twitter.com/OHschoolboards

OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.

© Ohio School Boards Association
September 2013